

MARKED-UP VERISON OF CLAIM AMENDMENT

1. (Unchanged) A polynucleotide comprising at least two repeats of a hypoxia response element (HRE), wherein the hypoxia-inducible factor (HIF) consensus binding sites within each of the two repeats are separated by a spacer of at least 20 contiguous nucleotides.
2. (Amended) A polynucleotide according to claim 1, wherein the HRE repeats are optionally operably linked to a viral promoter.
3. (Unchanged) A polynucleotide according to claim 1, wherein said spacer comprises a nucleotide sequence as shown in SEQ I.D. No. 10 or SEQ I.D. No. 11.
4. (Unchanged) A polynucleotide according to claim 2, wherein said promoter is selected from an SV40 promoter or an MLV promoter.
5. (Amended) A polynucleotide according to claim ~~1~~ 2, comprising at least four HRE repeats linked to the promoter, wherein at least two of the HRE repeats of the HRE operably linked to the promoter and are positioned upstream (5') of the promoter and at least two repeats of the HRE operably linked to the promoter and are positioned downstream (3') of the promoter.
6. (Amended) ~~A polynucleotide comprising at least three repeats of a~~ The polynucleotide of claim 7, wherein at least three of the HRE repeats are phosphoglycerate kinase (PGK) hypoxia responses elements (HRE) repeats operably linked to an SV40 promoter or an MLV promoter.
7. (Amended) A polynucleotide according to claim ~~6~~ 5, comprising at least six HRE repeats, wherein at least three repeats of the HRE operably linked to the promoter and are positioned upstream (5') of the promoter and at least three repeats of the HRE operably linked to the promoter and are positioned downstream (3') of the promoter.
8. (Unchanged) A polynucleotide according to claim 1, wherein the HRE repeats are direct repeats.
9. (Amended) A polynucleotide according to claim 1, wherein the HRE comprises ~~a the~~ nucleotide sequence ~~as shown in SEQ I.D. No. 1 or SEQ I.D. No. 2~~ of SEQ ID NO:1 or 2.
10. (Amended) A polynucleotide according to claim 1, comprising ~~a the~~ nucleotide sequence ~~as shown in SEQ ID No. 9, of SEQ ID NO: 9.~~
11. (Amended) A polynucleotide according to claim 6, comprising ~~a the~~ nucleotide sequence ~~as shown in SEQ ID No. 3, SEQ ID No. 4, or SEQ ID No. 5, of SEQ ID NO: 3, 4, or 5.~~

12. (Amended) A polynucleotide according to claim 1 2, operably linked to a nucleic acid of interest (NOI), such that the polynucleotide directs expression of the NOI in a host cell.
13. (Unchanged) A polynucleotide according to claim 12, wherein the NOI encodes HIF-1.
14. (Unchanged) A polynucleotide according to claim 12, wherein the promoter lacks a CAAT box sequence.
15. (Unchanged) A polynucleotide according to claim 12, wherein the host cell is a tumour cell.
16. (previously cancelled)
17. (Unchanged) A polynucleotide according to claim 12, wherein the NOI encodes a polypeptide which is cytotoxic.
18. (Unchanged) A polynucleotide according to claim 12, wherein the NOI encodes a polypeptide capable of converting a precursor into a cytotoxic compound.
19. (Amended) A polynucleotide according to claim ~~15~~ 12, wherein the NOI ~~is selected from the group consisting of polynucleotide sequences encoding proteins involved in the regulation of cell division, enzymes involved in cellular metabolic pathways,~~ encodes a transcription factors, a metabolic enzyme, a proliferation-regulating protein, or a and heat shock proteins.
20. (Amended) A polynucleotide according to claim ~~15~~ 12, ~~adapted to for use in delivering~~ the NOI to a mammalian cell.
21. (Amended) A polypeptide according to claim 1, disposed in a nucleic acid vector comprising a polynucleotide as defined in claim 1.
22. (Amended) A ~~viral~~ The polypeptide of claim 21, wherein the vector is a viral vector comprising a polynucleotide as defined in claim 1.
23. (Amended) The polypeptide A viral vector according to ~~of claim 22, wherein the viral vector which further comprises a nucleotide sequence selected from~~
 - (i) a nucleotide sequence encoding an inhibitory RNA molecule capable of effecting the cleavage, directly or indirectly, of VHL RNA;
 - (ii) one or more inhibitory RNA molecules that bind to and prevent VHL RNA processing, expression, or both; and
 - (iii) a nucleotide sequence encoding a polypeptide capable of inhibiting the binding of VHL to Elongin B, Elongin C, or both.
24. (Amended) The polypeptide A viral vector according to ~~of claim 23, wherein said nucleotide sequence (iii) encodes polypeptide is a non-functional derivative of wild-type VHL.~~

25. (Amended) The polypeptide ~~A viral vector according to~~ of claim 22, wherein the viral vector is a retroviral vector.
26. (Amended) The polypeptide ~~A viral vector according to~~ of claim 22, wherein the viral vector is an adenoviral vector.
27. (Amended) The polypeptide ~~A viral vector according to~~ of claim 22, wherein the viral vector is a lentiviral vector.
28. (previously cancelled)
29. (previously cancelled)
30. (previously cancelled)
31. (Amended) A method of producing a viral strain which method comprises introducing a polynucleotide ~~as defined in claim 1~~ of claim 2 into the genome of a virus.